



JOHN P. MALLOY

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
jmalloy@rc.com
Direct (860) 275-8337

Via ECF

March 26, 2015

Hon. Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: **220 Coster, LLC, et. al v. Massachusetts Bay Ins. Co.,**
Docket No. 14-cv-7027 (AJN)

Dear Judge Nathan:

Although I am reluctant to burden the Court with further correspondence concerning defendant Massachusetts Bay Insurance Company's ("Mass Bay") request for a brief, 30 day extension of discovery, I feel compelled to respond to the letter filed by Plaintiffs this afternoon.

The central premise of Plaintiffs' opposition to Mass Bay's request is that Mass Bay has long been aware of both the existence of the additional witnesses it now seeks to depose, and the additional claims Plaintiffs asserted in their amended complaint. This is misleading. While Mass Bay was certainly aware of the existence of the subject witnesses at the outset of this litigation, there was no need to depose them until Plaintiffs were permitted to amend their complaint. The amended complaint was filed on March 5th. Plaintiffs suggest that it was the filing of the motion for leave to amend in January that put Mass Bay on notice of its new claims, and therefore apparently triggered Mass Bay's obligation to take discovery on these new claims. Until these new claims were allowed, however, there was no reason why Mass Bay would take this discovery, and incur the costs associated with such discovery. It certainly was not unreasonable for Mass Bay to refrain from taking discovery on claims that the Court very well may not have allowed Plaintiffs to assert. Mass Bay is certainly willing to work diligently to complete discovery in a timely manner, however it is simply unreasonable and patently unfair to require Mass Bay to complete its needed discovery by April 10th, on claims that were not even a part of this lawsuit until March 5th.

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Plaintiffs also claim that Mass Bay is delaying discovery and refusing to produce Mr. Hennessey for deposition. This is incorrect. Mass Bay has produced its documents, produced a privilege log, and worked to find dates for Mr. Hennessey's deposition. Plaintiffs waited until March 6th to notice that deposition, and despite our best efforts it simply has not been possible to find a date when Mr. Hennessey is available, in light of his commitments to Mass Bay's other insureds and his personal family obligations.

Thank you for the Court's attention and consideration of this matter. I am available for a conference call at the Court's convenience if that would be of assistance.

Respectfully,

/s/ John P. Malloy

John P. Malloy

Copy to: All Counsel of Record (via ECF only)